

## SENATE BILL No. 226

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-23-1.

**Synopsis:** Delinquent personal property taxes. Requires a creditor that acquires and transfers personal property on which the creditor holds a lien and on which personal property taxes are delinquent to pay the delinquency from the proceeds of the transfer before applying the proceeds to the lien.

**Effective:** January 1, 2005.

**Skillman**

January 8, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 226

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-1.1-23-1, AS AMENDED BY P.L.173-2003,  
2       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JANUARY 1, 2005]: Sec. 1. (a) Annually, after November 10th but  
4       prior to August 1st of the succeeding year, each county treasurer shall  
5       serve a written demand upon each county resident who is delinquent in  
6       the payment of personal property taxes. The written demand may be  
7       served upon the taxpayer:

8               (1) by registered or certified mail;

9               (2) in person by the county treasurer or the county treasurer's  
10              agent; or

11              (3) by proof of certificate of mailing.

12       (b) The written demand required by this section shall contain:

13              (1) a statement that the taxpayer is delinquent in the payment of  
14              personal property taxes;

15              (2) the amount of the delinquent taxes;

16              (3) the penalties due on the delinquent taxes;

17              (4) the collection expenses which the taxpayer owes; and



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1 (5) a statement that if the sum of the delinquent taxes, penalties,  
2 and collection expenses are not paid within thirty (30) days from  
3 the date the demand is made then:

4 (A) sufficient personal property of the taxpayer shall be sold  
5 to satisfy the total amount due plus the additional collection  
6 expenses incurred; or

7 (B) a judgment may be entered against the taxpayer in the  
8 circuit court of the county.

9 **(c) For the purpose of satisfying a creditor's lien on personal**  
10 **property, the creditor of a taxpayer that comes into possession of**  
11 **personal property on which the taxpayer is delinquent in the**  
12 **payment of personal property taxes must pay in full the delinquent**  
13 **personal property taxes to the county treasurer from the proceeds**  
14 **of any transfer of the personal property made by the creditor or**  
15 **the creditor's agent before applying the proceeds to the creditor's**  
16 **lien on the personal property.**

17 SECTION 2. [EFFECTIVE JANUARY 1, 2005] IC 6-1.1-23-1, as  
18 amended by this act, applies only to property taxes first due and  
19 payable after December 31, 2005.

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